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STATE FOR OES/SAT BOB FORD AND L/OES MARK SIMONOFF
PLEASE PASS TO NASA FOR MICHAEL MOORE, KENT BRESS AND STEVE MIRMINA
PLEASE PASS TO NOAA FOR PAMELA TOSCHIK

E.O.12958: N/A

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SUBJECT: BRAZIL: GOVERNMENT REQUESTS REVIVAL OF FRAMEWORK SPACE
COOPERATION AGREEMENT

REF: (A) 2006 BRASILIA 515, (B) 2006 STATE 200697

¶1. (U) THIS CABLE IS SENSITIVE BUT UNCLASSIFIED. NOT FOR INTERNET
DISTRIBUTION.

¶2. (U) THIS CABLE CONTAINS AN ACTION REQUEST. SEE PARAGRAPH 7
BELOW.

¶3. (SBU) SUMMARY. The Brazilian Ministry of External Relations
(MRE) contacted Post to express interest in reviving the bilateral
"framework" agreement on "Cooperation in the Peaceful Uses of Outer
Space," which expired on July 9, 2007. Per REFTEL B, Washington
signaled it did not intend to extend or renegotiate the framework
agreement. Given the GOB's renewed interest in having a framework
agreement, Post requests guidance from Washington on how to respond.
END SUMMARY.

BACKGROUND

¶4. (SBU) In 1996, the United States Government (USG) and the
Government of Brazil (GOB) signed a bilateral "framework" agreement
on "Cooperation in the Peaceful Uses of Outer Space," which went
into effect on July 9, 1997. The agreement had a ten-year term, and
it expired on July 9, 2007. In 2006, MRE's Chief of the Division of
Oceans, Antarctic and Space, Counselor Maria Teresa Pessoa, notified
Post of Brazil's willingness to extend the Framework Agreement by an
exchange of diplomatic notes. (REFTEL A.) In 2006, however, it
became apparent that the 1996 framework agreement had serious issues
that would need to be renegotiated, most notably the cross-waiver of
liability provision. REFTEL B reported that "NASA [did] not see
much utility in negotiating what would in effect be a new framework
agreement, and instead it would prefer to pursue agreements as
specific activities." This is the model that the USG uses with many
countries in the area of space cooperation and the one the USG
wanted to employ in the case of Brazil. Post was instructed, on an
"if asked" basis, to inform the GOB that the USG "concludes that in
the area of space cooperation it is better to negotiate the
arrangements on a case-by-case basis rather to negotiate a new
framework agreement." The GOB did not raise the issue again until
recently, after the expiration of the framework agreement.

¶5. (SBU) In late July, Counselor Pessoa contacted the Embassy
Science Counselor to express the GOB's interest in extending or
reviving the framework agreement. Counselor Pessoa said that the
GOB envisioned placing under the framework agreement a possible
cooperation agreement between NASA and the Brazilian Space Agency
(AEB) regarding Brazil's participation in the Global Precipitation
Measurement (GPM) program and a possible cooperation agreement
between NOAA and the Brazilian National Institute for Space Research

(INPE), as well as other cooperative arrangements that might be concluded in the future. Science Counselor informed Pessoa that Post would bring the question of reviving or renegotiating a framework agreement with Washington and advise them of the response.

Subsequently, State/OES/SAT and NASA were made aware of this matter.

¶6. (SBU) Post notes that there may be three factors that might call for a modification of the USG position contained in REFTEL B. First, NASA has decided to use a framework agreement with France and Canada. Those framework agreements could be used as the basis for negotiating with Brazil, which would likely smooth the negotiating process. Second, NASA is increasing its space cooperative activities with Brazil, namely with the GPM program. It is unclear how firm Brazil will be on having a framework agreement, but there is the possibility that it will hold up concluding other cooperative arrangements until a new framework agreement is in place. Third, Post understands that NASA and Argentina may be considering a framework agreement on space cooperation. If NASA were to agree to a framework agreement with Brazil's neighbor Argentina, then it is probable that Brazil will insist on at least a similar arrangement as a matter of national pride.

ACTION REQUESTED

¶7. (SBU) Post requests guidance from Washington on how to respond the GOB's request to revive or renegotiate a framework agreement on space cooperation.

SOBEL